

## **CITY OF BURIEN, WASHINGTON**

### **ORDINANCE NO. 542**

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#### **AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON AMENDING ORDINANCE NO. 516 BY REVISING THE BOUNDARIES, FUNDING, AND AUTHORIZED TRANSPORTATION IMPROVEMENTS OF THE CITY'S TRANSPORTATION BENEFIT DISTRICT KNOWN AS TBD NO. 1; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

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WHEREAS, Chapter 36.73 RCW provides for the establishment and modification of transportation benefit districts and for the levying of additional revenue sources for transportation improvements within the district that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels, and

WHEREAS, pursuant to Ordinance No. 516 adopted by the City Council of the City of Burien (the "City") on July 20, 2009, the City established a citywide transportation benefit district known as TBD No. 1 (the "District") for the purpose of funding and implementing certain transportation improvements described therein, and

WHEREAS, the City now desires to modify the boundaries of the District and to revise the funding and the list of authorized transportation improvements described in Ordinance No. 516, and

WHEREAS, pursuant to RCW 36.73.050, prior to establishing or modifying a transportation benefit district, the City is required to conduct a public hearing after giving proper notice describing the transportation improvements and activities to be funded by the transportation benefit district, and

WHEREAS, after giving proper notice and conducting the required public hearing, the City Council of the City of Burien finds it to be in the best interests of the City to modify the boundaries of the District to comprise the corporate limits of the City, as they currently exist and as they may exist following future annexations, and to modify the functions of the District for the funding and implementation of the transportation improvements described in attached Exhibit A, to be funded in part through fees collected pursuant to RCW 36.73.065 on qualifying vehicles, and

WHEREAS, the City finds that the improvements listed in Exhibit A are "transportation improvements" within the meaning of Chapter 36.73 RCW and are projects described in the City's transportation plan,

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** Section 1 of Ordinance 516 is hereby amended by amending the transportation improvements to be as described in the attached Exhibit “A”, which exhibit is incorporated as though fully set forth herein.

**Section 2.** Section 2 of Ordinance 516 is hereby amended to read as follows:

**Section 2. Formation of a Transportation Benefit District.** The City of Burien, pursuant to RCW 35.21.225 and Chapter 36.73 RCW, hereby establishes and creates a Transportation Benefit District to be known and referred to as TBD No. 1, subject to the following:

(1) **Establishing Transportation Benefit District.** There is created TBD No. 1 with geographical boundaries comprised of the corporate limits of the City, as they exist upon the effective date of this ordinance, ~~and as they may exist following future annexations.~~

**Deleted:** . Future annexations shall not affect the corporate boundaries of TBD No. 1

(2) **Governing Board.**

(a) The governing board of the Transportation Benefit District shall be the Burien City Council acting in an *ex officio* and independent capacity, which shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW.

(b) The treasurer of the Transportation Benefit District shall be the City Finance Director.

(c) The Board shall develop material change policy to address major plan changes that affect project delivery or the ability to finance the plan, pursuant to the requirements set forth in RCW 36.73.160(1).

(d) The Board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

(e) Meetings of the Board shall be governed by the procedural rules applicable to meetings of the Burien City Council, as the same may be amended from time to time.

(f) The first action of the Board shall be to nominate and elect a chair who shall preside over all meetings of the Board.

(3) **Powers of the TBD No. 1:** TBD No.1 shall possess all of the powers of a transportation benefit district authorized pursuant to Ch. 36.73 RCW, including the authority to issue general obligation bonds and revenue bonds; provided that, the TBD No. 1 shall have no authority to impose taxes, fees, charges, or tolls except as provided herein.

(4) **Transportation Improvements Funded.** The funds generated by the Transportation Benefit District shall be used for transportation improvements that are described in Section 1 of this Ordinance or as may be otherwise expanded in accordance with Ch. 36.73 RCW.

(5) **Establishment of Vehicle Fee Revenue Source.** The Board shall have the authority to impose an annual vehicle license fee in the amount of ~~ten~~ dollars (~~\$10~~), consistent with RCW 36.73.065, to be collected by the Washington Department of Licensing on qualifying vehicles as set forth in RCW 82.80.140 and Chapters 36.73 and 46.16 RCW.

**Deleted:** , upon approval of the majority of the voters of the district voting on a proposition at a general or special election,

**Deleted:** twenty-five

**Deleted:** 25

(6) **Dissolution of District.** TBD No. 1 shall be dissolved when all indebtedness of the district has been retired and when all of the district's anticipated responsibilities have been satisfied.

### **Section 3. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Burien Municipal Code, this ordinance is deemed to control.

**Section 4. Effective Date.** This ordinance shall take effect and be in full force five (5) days after approval and publication in accordance with law.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 21<sup>ST</sup> DAY OF JUNE 2010, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 21<sup>ST</sup> DAY OF JUNE, 2010.**

CITY OF BURIEN  
/s/ Joan McGilton, Mayor

ATTEST/AUTHENTICATED:  
/s/ Monica Lusk, City Clerk

Approved as to form:  
/s/ Craig Knutson, City Attorney

Filed with the City Clerk: June 21, 2010  
Passed by the City Council: June 21, 2010  
Ordinance No. 542  
Date of Publication: June 24, 2010

## EXHIBIT A

### (Description of Transportation Improvements)

Spend approximately \$8.6 million over the next two years, and \$600,000\* per year for the next 18 years after that, to install asphalt overlays and other street related repairs up to 263 lane miles of streets in the City Street System, bringing the streets up to a Pavement Condition Index (PCI) of 80+.

\* This amount does not include an inflation factor based on the Cost Price Index (CPI) of the greater Seattle-Tacoma Area that will be added to this figure each year.